



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 29 1998

Mr. Dan A. Tallman
Manager
Environmental Management and Controls, Inc.
3106 South Faith Home Road
Turlock, California 95380

Dear Mr. Tallman:

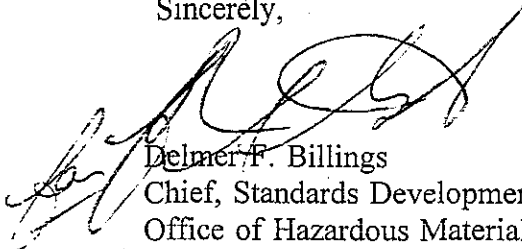
This is in response to your letter of February 10, 1998, requesting clarification of the Precedence of Hazard requirements in § 173.2a of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your question is presented in the following scenario:

A package contains a mixture of radioactive materials and flammable liquids. The mixture can be named either "Radioactive material, LSA II" or "Radioactive material, limited quantity" and thus be reclassified as a flammable liquid due to the hierarchy of the precedence table. Does the shipper have the choice to ship it as either of these classifications or is he bound by the HMR to use a specific classification?

In a situation where a shipper has a mixture of radioactive materials and flammable liquids that meet the definition of a limited quantity, the shipper has the choice to either classify the material as a limited quantity or to maintain the material's original classification. If the shipper chooses the proper shipping name "Radioactive material, limited quantity" as in the example above, and that material meets the definition of more than one hazard class or division, it shall be classed in accordance with § 173.423.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

AP 1081
8407



ENVIRONMENTAL MANAGEMENT AND CONTROLS, INC.

3106 SOUTH FAITH HOME ROAD
TURLOCK, CALIFORNIA 95380

PHONE (209) 667-1102
FAX (209) 667-1583

*Contractor
72:173.2
SC: 190, 163*

February 10, 1998

Edward T. Mazzullo
Director, Office of Hazardous Material Standards
USDOT/RSPA DM-10
400 7th Street SW
Washington DC 20590-0001

Dear Mr. Mazzullo:

I am requesting a written interpretation of the DOT regulations governing the classification of packages with multiple hazards.

According to 49CFR173.2(a), a package containing both radioactive materials and flammable liquids (such as liquid scintillation cocktails, a majority of which can be classified as either radioactive material, LSA II (173.403) or radioactive material, limited quantity (173.421)) would be classified IAW with the hierarchy contained within 173.2 (a).

Number one in this hierarchy is radioactive material (except limited quantities) with flammable liquids appearing as number eight in the listing. In conversation with Todd at the DOT information center, it was stated that if the radioactive material would qualify as radioactive limited quantity, regardless of the fact it would also qualify as LSA, the regulations require that the flammable liquids classification take precedence.

In order to document that the transportation of this type of material as Radioactive Material, LSA, nos, UN2912 (flammables technical names) is inconsistent with the regulations, I am requesting this interpretation in writing

Thank you for your attention to this request.

Sincerely,

Dan A. Tallman
Manager,
Environmental Management and Controls, Inc.

*QF 1081
8407*